

## Message Text

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FM AMEMBASSY VALLETTA

TO SECSTATE WASHDC 6021

UNCLAS VALLETTA 0212

E.O. 11652: N/A

TAGS: PFOR, PINT, PORG, MT

SUBJ: HUMAN RIGHTS

REF: STATE 012320, 034811

1. BEGIN SUMMARY: MALTA'S CONSTITUTION, AS WELL AS ITS INDEPENDENT LEGAL SYSTEM, GUARANTEE THE RESPECT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS FOR ALL INDIVIDUALS. RECENT CONSTITUTIONAL AMENDMENTS HAVE ENLARGED UPON AND EXTENDED THESE GUARANTEES. END SUMMARY.

2. CHAPTER IV OF MALTA'S 1964 CONSTITUTION, ENTITLED "FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL," GUARANTEES TO EVERY PERSON IN MALTA THE RIGHT, WHATEVER HIS RACE, PLACE OF ORIGIN, POLITICAL OPINIONS, COLOR, CREED OR SEX, TO LIFE, LIBERTY, SECURITY OF THE PERSON, THE ENJOYMENT OF PROPERTY AND THE PROTECTION OF THE LAW, FREEDOM OF CONSCIENCE, OF EXPRESSION, AND OF PEACEFUL ASSEMBLY AND ASSOCIATION, AND RESPECT FOR HIS PRIVATE AND FAMILY LIFE. OTHER SECTIONS UNDER THE SAME CHAPTER PROTECT THE INDIVIDUAL FROM ARBITRARY ARREST OR DETENTION, FROM FORCED LABOR, FROM INHUMAN TREATMENT, AND FROM DEPRIVATION OF PROPERTY WITHOUT COMPENSATION.

3. SECTION 1 OF ACT NO. 58 OF DECEMBER 13, 1974, AMENDING THE 1964 CONSTITUTION, STATES THAT "MALTA IS A DEMOCRATIC REPUBLIC

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FOUNDED ON WORK AND ON RESPECT FOR THE FUNDAMENTAL RIGHTS AND

FREEDOMS OF THE INDIVIDUAL." THIS SAME ACT AMENDED THE ORIGINAL SUBTITLE ON FREEDOM OF CONSCIENCE TO INCLUDE FOREEDOM OF WORSHIP.

4. THE ACT OF DECEMBER 13, 1974, ALSO PROVIDES FOR THE ESTABLISHMENT OF AN EMPLOYMENT COMMISSION FOR MALTA, WHOSE FUNCTION WILL BE TO ENSURE THAT, IN RESPECT OF EMPLOYMENT, NO DISTINCTION, EXCLUSION OR PREFERENCE THAT IS NOT JUSTIFIABLE IN A DEMOCRATIC SOCIETY IS MADE OR GIVEN IN FAVOR OF OR AGAINST ANY PERSON BY REASON OF HIS POLITICAL OPINIONS.

5. ADDITIONAL PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN MALTA IS GUARANTEED BY THE NATURE OF THE LEGAL SYSTEM, BASED UPON A SEPARATION OF POWERS, WHICH ESTABLISHES THE COURTS AS INDEPENDENT FROM THE EXECUTIVE BRANCH IN THE DISCHARGE OF THEIR DUTIES. THE MALTESE CIVIL CODE IS BASED ON THE CODE NAPOLEON. THE CRIMINAL LAW IS MODELLED ON THE COMMON LAW OF ENGLAND. FREE LEGAL AID IS AVAILABLE TO PERSONS WHO CANNOT AFFORD LEGAL REPRESENTATION BEFORE THE COURTS.

6. IN VIEW OF MALTA'S DEMOCRATIC FORM OF GOVERNMENT WHICH INCORPORATES CONSTITUTIONAL AND LEGAL SAFEGUARDS CONCERNING HUMAN RIGHTS, THE PROTECTION OF THESE RIGHTS AND FUNDAMENTAL FREEDOMS HAS BEEN, AND SHOULD CONTINUE TO BE, GUARANTEED TO ALL PERSONS IN MALTA. THE EMBASSY HAS SEEN NO EVIDENCE OF ANY INFRINGEMENTS OR VIOLATIONS OF THESE HUMAN RIGHTS AND HAS NO REASON TO BELIEVE THAT SUCH INFRINGEMENT WOULD OCCUR IN THE FUTURE. SMITH

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